

REMARKS

This Application has been carefully reviewed in light of the Office Action and the Advisory Action. At the time of the Office Action, Claims 1-21 were pending in this patent application. Claims 1-21 were rejected. Thus, Claims 1-21 are presently pending. Applicants respectfully request reconsideration and favorable action in this case.

**Section 102 Rejections**

The Office Action rejects Claims 1-4, 12 and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,966,760 issued to Zulch ("Zulch"). The Office Action rejects Claims 5-11 and 13-19 under 35 U.S.C. § 103(a) as being unpatentable over *Zulch* as applied to claims 1-4, 12 and 20 above, and further in view of U.S. Patent No. 6,038,379 issued to Fletcher et al. ("Fletcher") and U.S. Patent No. 6,101,533 issued to Brandt et al. ("Brandt") and U.S. Patent No. 5,974,547 issued to Klimenko ("Klimenko"). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 1 is directed to a system including one or more operator-driven processes which monitor and manage network elements of a voice and data network, in real time, using at least one telecommunications network control channel. Initial background processes are automatically initiated which remotely backup information which has been locally stored in ones of said network elements. *Zulch* does not disclose, teach, or suggest each of these limitations. For example, *Zulch* does not disclose, teach, or suggest one or more operator-driven processes which monitor and manage network elements of a voice and data network, as required by Claim 1. For at least these reasons, Applicants respectfully contend that Claim 1 is patentably distinguishable from *Zulch*.

Claims 2 and 3 each depend from Claim 1. Therefore, Applicants respectfully contend that Claims 2 and 3 are each patentably distinguishable from *Zulch* for example, for the same reasons discussed above with regard to Claim 1.

Claim 4 is directed to a method for managing a plurality of network elements that includes coupling a telecommunications network element manager with a plurality of network elements that provide voice network connectivity, using at least one telecommunications network control channel. Computers C1-C6 of *Zulch* do not disclose,

teach, or suggest a plurality of network elements that provide voice network connectivity, as required by Claim 4. For at least these reasons, Applicants respectfully contend that Claim 4 is patentably distinguishable from *Zulch*. Claims 5-11 each depend, either directly or indirectly, from independent Claim 4. Therefore, Applicants respectfully contend that Claims 5-11 are each patentably distinguishable from *Zulch* for example, for the same reasons discussed above with regard to Claim 4.

Claim 12 is directed to a network element manager that includes an interface being operable to communicate with a plurality of network elements of a voice and data network, using at least one telecommunications network control channel, and receive respective local configuration data regarding the plurality of network elements. *Zulch* does not disclose, teach, or suggest each of these elements. For example, computers C1-C6 of *Zulch* do not disclose, teach, or suggest an interface being operable to communicate with a plurality of network elements of a voice and data network, as required by Claim 12. For at least these reasons, Applicants respectfully contend that Claim 12 is patentably distinguishable from *Zulch*.

Claims 13-19 each depend, either directly or indirectly, from independent Claim 12. Therefore, Applicants respectfully contend that Claims 13-19 are each patentably distinguishable from *Zulch* for example, for the same reasons discussed above with regard to Claim 12.

Claim 20 is directed to a telecommunications system that includes a plurality of network elements that provide voice connectivity, each network element being coupled for communication with the network element manager using at least one telecommunications network control channel. *Zulch* does not disclose, teach, or suggest each of these limitations. For example, *Zulch* does not disclose, teach, or suggest a plurality of network elements that provide voice connectivity, as required by Claim 20. For at least these reasons, Applicants respectfully contend that Claim 20 is patentably distinguishable from *Zulch*.

Claim 21 is directed to a method for managing a plurality of network elements of a telecommunications network that includes coupling a telephony network element manager with a plurality of network elements of a voice and data network, using at least one telephony network control channel. *Zulch* does not disclose, teach, or suggest each of these

limitations. For example, computers C1-C6 of *Zulch* do not disclose, teach, or suggest that a telephony network element manager may be coupled with a plurality of network elements of a voice and data network, using at least one telephony network control channel. For at least these reasons, Applicants respectfully contend that Claim 21 is patentably distinguishable from *Zulch*.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-21.

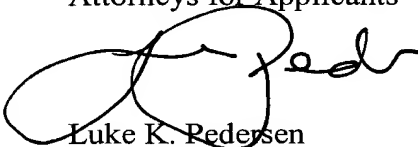
Applicants attach herewith a check in the amount of \$790.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the Request For Continued Examination fee pursuant to 37 CFR 1.117(e).

Applicants respectfully request a one (1) month extension of time and Notification of Extension of Time Under 37 CFR 1.136 with appropriate fees is attached herewith in support thereof.

Although Applicants believes that no other fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, Applicants request that the Commissioner consider this paper to be a request for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
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